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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,621	02/23/2004	Joel Myerson	10991588-2	2970
AGILENT TECHNOLOGIES, INC. Intellectual Property Administration Legal Department, DL429 P.O. Box 7599 Loveland, CO 80537-0599			EXAMINER	
			KETTER, JAMES S	
			ART UNIT	PAPER NUMBER
			1636	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MO	NTHS	01/17/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



# UNITED STATES DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION		ATTORNEY DOCKET NO.	
			EXAMINER		
			ART UNIT	PAPER	
				20070106	

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner for Patents** 

--See attached--

Application/Control Number: 10/785,621

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The communication filed on 11 May 2006 is not fully responsive to the Office

communication mailed 7 April 2006 for the reason(s) set forth on the attached Notice to Comply

With the Sequence Rules or CRF Diskette Problem Report. New errors have been introduced

into the CRF.

Since the above mentioned reply appears to be bona fide, applicant is given a TIME

PERIOD of ONE (1) MONTH or THIRTY DAYS from the mailing date of this notice, which

ever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER C.F.R. 1.136(a).

The addresses below are effective 5 June 2004. Please direct all replies to the United

States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio ( <a href="http://example.com/http-1">http://example.com/http-1</a>.

://www.uspto.gov/ebc/efs/downloads/documents.htm>, EFS Submission User

Manual - ePAVE)

2. Mailed to:

Mail Stop Sequence

Commissioner for Patents

P.O. Box 22313-1450

Alexandria, VA 22313-1450

Art Unit: 1636

3. Hand Carry, Federal Express, United Parcel Service or other delivery service

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U.S. Patent and Trademark Office

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Randolph Building

401 Dulaney Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner with respect to the examination on the merits should be directed to James Ketter whose telephone number is (571) 272-0770. The Examiner normally can be reached on M-F (9:00-6:30), with alternate Fridays off.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Remy Yucel, can be reached at (571) 272-0781.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are

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available to answer your questions daily fi'om 6 am to midnight (EST). The toll free number is

(866) 217-9197. When calling please have your application serial or patent number, the type of

document you are having an image problem with, the number of pages and the specific nature of

the problem. The Patent Electronic Business Center will notify applicants of the resolution of the

problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem

has been corrected. The USPTO's Patent Electronic Business Center is a complete service center

supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-

based access to patent application status and history information. It also enables applicants to

view the scanned images of their own application file folder(s) as well as general patent

information available to the public. 9199.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-

9199.

Jsk

6 January, 2007

JAMES KETTER
PRIMARY EXAMINER

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## STIC Biotechnology Systems Branch

## RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:

Source:

Date Processed by STIC:

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE <u>CHECKER</u> <u>VERSION 4.4.0 PROGRAM</u>, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (<a href="http://www.uspto.gov/ebc/efs/downloads/documents.htm">http://www.uspto.gov/ebc/efs/downloads/documents.htm</a>, EFS Submission User Manual ePAVE)
- 2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
   U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street,
   Alexandria, VA 22314

Revised 01/10/06

# Raw Sequence Listing Error Summary

ERROR DETECTED	SUGGESTED CORRECTION SERIAL NUMBER: 0785,621
ATTN: NEW RULES CASES:	PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE
1Wrapped Nucleics Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
2Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.
3Misaligned Amino Numbering	The numbering under each 5 <sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
4Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
5Variable Length	Sequence(s)contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
6PatentIn 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
7Skipped Sequences OLD RULES	Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence:  (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)  (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  This sequence is intentionally skipped
	Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
8Skipped Sequences (NEW RULES)	Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000
Use of n's or Xaa's OEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing.  Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.  In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
$0 \frac{V}{\text{Novalid}} < 213 > $ Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
1Use of <220>	Sequence(s) missing the <220> "Feature" and associated numeric identifiers and responses.  Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.  (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
PatentIn 2.0 "bug"	Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
3 Misuse of n/Xaa	"n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid



IFW16

RAW SEQUENCE LISTING DATE: 05/15/2006 PATENT APPLICATION: US/10/785,621 TIME: 15:51:40

Input Set : A:\10991588-2.txt

Output Set: N:\CRF4\05152006\J785621.raw

```
3 <110> APPLICANT: Agilent Technologies
        Myerson, Joel
 6 <120> TITLE OF INVENTION: Increasing Ionization Efficiency in Mass Spectrometry
 8 <130> FILE REFERENCE: 10991588-2
10 <140> CURRENT APPLICATION NUMBER: 10/785,621
11 <141> CURRENT FILING DATE: 2004-02-23
13 <160> NUMBER OF SEQ ID NOS: 6
                                           Invalid
Response
15 <170> SOFTWARE: PatentIn version 3.3
                                                           Does Not Comply
17 <210> SEQ ID NO: 1
                                                           Corrected Diskette Needed
18 <211> LENGTH: 4
19 <212> TYPE: PRT
20 <213> ORGANISM: (Chemically Synthesized
22 <400> SEQUENCE:
24 Lys Ala Lys Ala
25 1
28 <210> SEQ ID NO: 2
29 <211> LENGTH: 9
30 <212> TYPE: PRT
31 <213> ORGANISM: (Chemically Synthesized
33 <400> SEQUENCE: 2
35 Lys Gly Gly Gly Lys Gly Gly Lys
39 <210> SEQ ID NO: 3
40 <211> LENGTH: 9
41 <212> TYPE: PRT
42 <213> ORGANISM (Chemically Synthesized
44 <400> SEQUENCE: 3-
46 Lys Ala Lys Ala Lys Leu Lys Val Lys CAM
47 1
50 <210> SEQ ID NO: 4
51 <211> LENGTH: 6
52 <212> TYPE: PRT
53 <213> ORGANISM Chemically Synthesized
56 <220> FEATURE:
57 <221> NAME/KEY: Variant
58 <222> LOCATION: (1)..(1)
59 <223> OTHER INFORMATION: X=N-Trimethyl Lysine
61 <220> FEATURE:
62 <221> NAME/KEY: Variant
63 <222> LOCATION: (3)..(3)
64 <223> OTHER INFORMATION: X=N-Trimethyl Lysine
66 <220> FEATURE:
67 <221> NAME/KEY: Variant
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See item #10 on error Summary Sheet

```
RAW SEQUENCE LISTING
                                                                DATE: 05/15/2006
                      PATENT APPLICATION: US/10/785,621
                                                                TIME: 15:51:40
                      Input Set : A:\10991588-2.txt
                      Output Set: N:\CRF4\05152006\J785621.raw
     68 <222> LOCATION: (5)..(5)
     69 <223> OTHER INFORMATION: X=N-Trimethyl Lysine
     71 <400> SEQUENCE: 4
W--> 73 Xaa Gly Xaa Gly Xaa Gly
     74 1
                                                    Invalid
Response
     77 <210> SEQ ID NO: 5
     78 <211> LENGTH: 7
     79 <212> TYPE: PRT
     80 <213> ORGANISM: (Chemically Synthesized
     83 <220> FEATURE:
     84 <221> NAME/KEY: Variant
     85 <222> LOCATION: (1)..(1)
     86 <223> OTHER INFORMATION: X=N-Trimethyl Lysine
                                                                               See item
#10 on
error
summary
Sheeti
     88 <220> FEATURE:
     89 <221> NAME/KEY: Variant
     90 <222> LOCATION: (4)..(4)
     91 <223> OTHER INFORMATION: X=N-Trimethyl Lysine
     93 <220> FEATURE:
     94 <221> NAME/KEY: Variant
     95 <222> LOCATION: (7)..(7)
     96 <223> OTHER INFORMATION: X=N-Trimethyl Lysine
     98 <400> SEQUENCE: 5
W--> 100 Xaa Ala Ala Xaa Ala Ala Xaa
     101 1
     104 <210> SEQ ID NO: 6
     105 <211> LENGTH: 7
     106 <212> TYPE: PRT
     107 <213> ORGANISM: (Chemically Synthesized
     110 <220> FEATURE:
     111 <221> NAME/KEY: Variant
     112 <222> LOCATION: (1)..(1)
     113 <223> OTHER INFORMATION: X=N-Trimethyl Lysine
     115 <220> FEATURE:
     116 <221> NAME/KEY: Variant
     117 <222> LOCATION: (3)..(3)
     118 <223> OTHER INFORMATION: X=N-Trimethyl Lysine
     120 <220> FEATURE:
     121 <221> NAME/KEY: Variant
     122 <222> LOCATION: (5)..(5)
     123 <223> OTHER INFORMATION: X=N-Trimethyl Lysine
     125 <220> FEATURE:
     126 <221> NAME/KEY: Variant
     127 <222> LOCATION: (7)..(7)
     128 <223> OTHER INFORMATION: X=N-Trimethyl Lysine
     130 <400> SEQUENCE: 6
W--> 132 Xaa Leu Xaa Val Xaa Gly Xaa
     133 1
                                                                 The type of errors shown exist throughout
                                                                 the Sequence Listing. Please check subsequent
```

sequences for similar errors.

RAW SEQUENCE LISTING ERROR SUMMARY DATE: 05/15/2006 PATENT APPLICATION: US/10/785,621 TIME: 15:51:41

Input Set : A:\10991588-2.txt

Output Set: N:\CRF4\05152006\J785621.raw

#### Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

Seq#:4; Xaa Pos. 1,3,5 Seq#:5; Xaa Pos. 1,4,7 Seq#:6; Xaa Pos. 1,3,5,7

### VERIFICATION SUMMARY

PATENT APPLICATION: US/10/785,621

DATE: 05/15/2006 TIME: 15:51:41

Input Set : A:\10991588-2.txt

Output Set: N:\CRF4\05152006\J785621.raw

L:73 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:4 after pos.:0 L:100 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:5 after pos.:0 L:132 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6 after pos.:0